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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTORIA DICILLO, individually,) Case No.: 2:18-cv-00729-JCM-EJY
Plaintiff,)
v.)
GGP MEADOWS MALL L.L.C.; FOREVER)
21 RETAIL, INC.;)
SCHINDLER ELEVATOR)
CORPORATION; DOES I through X,)
inclusive; ROE CORPORATIONS XI)
through XX, inclusive,)
Defendants.

**STIPULATION AND ORDER TO EXTEND
CASE MANAGEMENT PLAN DEADLINES**
(Fifth Request)

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1 Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of
2 record, hereby stipulate and request that the Court reset the following Case Management Plan
3 Deadlines as follows:

4 1. On July 30, 2021, the Court issued its Order Granting Stipulation and Order to
5 Extend Case Management Plan Deadlines, which established the Pre-Trial Order Deadline as
6 November 1, 2021. (Dkt. 75).

7 2. On September 14, 2021, the Court issued its Order Granting Defendants' Motion
8 to Compel, which (1) required the production of raw testing data to Defendants' expert Dr. Kinsora
9 by September 24, 2021; (2) allowed Dr. Kinsora to and including November 15, 2021 to provide
10 his rebuttal expert report pursuant to FED. R. CIV. P. 26(a)(2)(B); and (3) allowed Plaintiff thirty
11 (30) days after the production of Dr. Kinsora's report to depose him. (Dkt. 79 at 4-5).

12 3. Because there is outstanding expert and damages related discovery that will be
13 completed after the November 1, 2021 Pre-Trial Order Deadline, the parties request that the Court
14 extend the Pre-Trial Order Deadline to and including February 1, 2022.

15 4. Pursuant to LR IA 6-1(a), the discovery deadline was previously extended on
16 August 20, 2018 (Dkt. 26), January 10, 2019 (Dkt. 41), and July 29, 2019 (Dkt. 45). The parties
17 further note that this case was stayed on October 2, 2019 pursuant to Defendant Forever 21, Inc.'s,
18 bankruptcy petition. (Dkt. 49). On March 24, 2021, the Court issued an Order lifting the
19 bankruptcy stay (Dkt. 67) and the Court entered its Order Resetting Case Management Plan and
20 Other Related Deadlines on April 15, 2021. (Dkt. 71). The Discovery, Dispositive Motion, and
21 Pre-Trial Order Deadlines were subsequently extended on July 30, 2021. (Dkt. 75).

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5. Accordingly, the parties request the Pre-Trial Order Deadline be extended to and including February 1, 2022 to allow the completion of expert and damages discovery related to Dr. Kinsora.

DISCOVERY REMAINING

This Court's Order Granting Stipulation and Order to Extend Case Management Plan Deadlines stated that discovery closed on August 6, 2021 and the dispositive motion deadline was September 29, 2021. (Dkt. 75 at 3)¹.

The deadline to request an extension of the Pre-Trial Order Deadline was October 11, 2021. The parties have engaged in various communication including numerous emails and meet and confer conferences on October 4, 2021 and October 11, 2021 related to the Court's September 14, 2021, Order Granting Defendants' Motion to Compel and Defendants' subpoena to Dr. Newman

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¹ The parties disagree on whether the Court's September 14, 2021 Order Granting Defendants' Motion to Compel impacted the September 29, 2021 dispositive motion deadline.

1 and/or MedTrak Diagnostics. Pursuant to LR 26-3, good cause exists to extend the close of
2 discovery to permit the parties until to and including February 1, 2022 to submit their Pre-Trial
3 Order.

4 DATED: October 27, 2021
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6 /s/ Joshua L. Benson (with permission)

7 /s/ Stephanie V. McGowan

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27 **ORDER**

28 IT IS HEREBY ORDERED that the Pre-Trial Order deadline is amended to February
1, 2022.

29 IT IS FURTHER ORDERED that all discovery, except as expressly stated in the
30 parties' stipulation, is closed. The deadline for filing dispositive motions is also closed.

31 Dated this 28th day of October, 2021.

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33 Layna J. Zouchal
34 UNITED STATES MAGISTRATE JUDGE